

From: Cooperman, Jonathan
To: [Rauch, Anne](#)
Subject: RE: BOE
Date: Tuesday, April 04, 2017 9:32:40 AM

Thursday at 1 pm cst works. Thank you.

Jonathan Cooperman

Kelley Drye & Warren LLP
(212) 808-7534 | jcooperman@kelleydrye.com

From: Rauch, Anne [<mailto:Rauch.Anne@epa.gov>]
Sent: Tuesday, April 04, 2017 10:25 AM
To: Cooperman, Jonathan <JCooperman@KelleyDrye.com>
Subject: RE: BOE

Yes. Does 1:00 central time work?

From: Cooperman, Jonathan [<mailto:JCooperman@KelleyDrye.com>]
Sent: Tuesday, April 04, 2017 8:04 AM
To: Mike Major <mmajor@powerfulcompliance.com>; Rauch, Anne <Rauch.Anne@epa.gov>;
Guerry, William M. <WGuerry@KelleyDrye.com>
Cc: Hensley, Dave <Hensley.Dave@epa.gov>
Subject: RE: BOE

Good morning Anne. We prefer an Order on Consent. While we have no issue doing this quickly, I am out of the office today and tomorrow. I was hoping to speak with you before we begin the process. Do you have time available to speak on Thursday afternoon? Jon

Jonathan Cooperman

Kelley Drye & Warren LLP
(212) 808-7534 | jcooperman@kelleydrye.com

From: Mike Major [<mailto:mmajor@powerfulcompliance.com>]
Sent: Monday, April 03, 2017 5:50 PM
To: Rauch, Anne <Rauch.Anne@epa.gov>; Guerry, William M. <WGuerry@KelleyDrye.com>;
Cooperman, Jonathan <JCooperman@KelleyDrye.com>
Cc: Hensley, Dave <Hensley.Dave@epa.gov>
Subject: RE: BOE

Anne,

Thank you for the email. Dave Hensley is very supportive and I am optimistic that the GDC we deliver in the coming days, will not only satisfy EPA's expectations but also benefit BOE.

As for the consent decree, I expect that Jonathon Cooperman will represent and set strategy. I trust that Jon will respond to this email also.

I am always available to you and your staff for further information.

Best,
Mike

Michael Major
Principal
mmajor@powerfulcompliance.com
[+1.414.699.5404](tel:+14146995404)

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From: Rauch, Anne [mailto:Rauch.Anne@epa.gov]
Sent: Monday, April 3, 2017 2:38 PM
To: Mike Major <mmajor@powerfulcompliance.com>
Cc: Hensley, Dave <Hensley.Dave@epa.gov>
Subject: RE: BOE

Good afternoon. Dave Hensley and I are working on an Administrative Order on Compliance addressing the General Duty Clause violations at the BOE Nebraska facility. As discussed during our meeting in Lincoln, Nebraska the Administrative Order can be issued by EPA unilaterally or we can do the Administrative Order on Consent. If the Order is done on Consent we would need a fast track. Can you let me know if BOE wishes to execute the Order on Consent and who the point person should be?

From: Mike Major [<mailto:mmajor@powerfulcompliance.com>]
Sent: Monday, March 13, 2017 5:31 PM
To: Rauch, Anne <Rauch.Anne@epa.gov>
Cc: Hensley, Dave <Hensley.Dave@epa.gov>; Guerry, William M. <WGuerry@kelleydrye.com>; Cooperman, Jonathan <JCooperman@kelleydrye.com>
Subject: RE: BOE

Anne,
Thank you for reaching out, likewise, nice to meet you last week. I will call Dave tomorrow and start a working relationship which will result in GDC compliance. I thank you again for the open door to your colleagues.

Michael Major

Principal
mmajor@powerfulcompliance.com
[+1.414.699.5404](tel:+14146995404)

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From: Rauch, Anne [mailto:Rauch.Anne@epa.gov]
Sent: Monday, March 13, 2017 9:59 AM
To: mmajor@powerfulcompliance.com
Cc: Hensley, Dave <Hensley.Dave@epa.gov>
Subject: BOE

Good morning – It was nice to meet you last Thursday. As discussed, I think the next step forward for purpose of compliance with the CAA General Duty Clause is an Administrative Compliance Order. You indicated that you had already started addressing some of the applicable requirements. I think it would be most efficient if you worked directly with Dave Hensley, the EPA physical scientist assigned to his matter. Dave's contact number is (913) 551-7768. If any questions/issues arise of a legal nature, I am always available for a call. If there is cause to bring on any other attorneys outside of your firm in discussions with Dave, I should be included in those conversations.

Anne Rauch
Senior Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Blvd., Lenexa KS 66219
(913) 551-7288

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